IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 699 of 1983

BASF India Ltd. & Anr.

&

The Oriental Fire & Gen.Ins.Co Ltd .. Plffs

vs

M/s.Sunil Transport .. Defendant

...

None for the plaintiff.

Mr.K.M. Mani for the defendant.

CORAM : D.G. KARNIK, J

DATED : 1st July 2005.

P.C.

1. This suit is filed by the plaintiff for recovery of money. Though the writ of summons was served on the defendant for more than 21 years the defendant has not filed the written statement. Learned counsel for the defendant orally prays that delay of 21 years be condoned. I see no sufficient reason for condoning the gross delay of 21 years in

filing of the written statemenmt.

2. In the absence of the written statement suit of the plaintiff is decreed in terms of prayer clause (a) under Order 8 Rule 10 of the Code of Civil Procedure.

D.G.KARNIK, J